IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

Crl.MC.No. 1907 of 2007()

CC.222/2003 of JUDL. MAGISTRATE OF FIRST CLASS COURT-III, NEYYATTINKARA

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PETITIONER: 2ND ACCUSED

NOBLE, AGED 36, S/O.RAJAN KUTTY,
ABHISHEK BHAVAN, MANGADU, THIRUMALA,
THIRUVANANTHAPURAM.

BY ADV. SRI.THIRUMALA P.K.MANI

RESPONDENTS: DEFACTO COMPLAINANT/STATE

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1. AJITH, S/O.MARKOSE, 'ANAKHA', AZHANKAL,
MANUKULADICHAMANGALAM, NEMOM, NEYYATTINKARA,
THIRUVANANTHAPURAM.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1907 of 2007

Dated this the 13th day of June, 2007

ORDER

Petitioner faces indictment in a prosecution under Section 120 B and 406 read with 34 I.P.C. He is the 2nd accused in the case. Cognizance has been taken on the basis of a final report submitted by the police. A crime was registered in the year 1999. Cognizance was taken in the year 2003. Charges have already been framed under Section 240 Cr.P.C, it is conceded. The order framing charge, which is amenable to the revisional jurisdiction of this Court has not been challenged so far.

2. At long last, the matter appears to have been listed for trial. The petitioner has come to this Court with a short prayer that powers under Section 482 Cr.P.C may be invoked.

3. What are the reasons ? Why is the petitioner coming to this Court at the eleventh hour ? Why has the petitioner not moved this Court earlier ? Why did the petitioner not challenge the revisional order framing charges ? I must say that I do not get any satisfactory responses for these questions. The counsel asserts that the allegations are not justified. I am not satisfied that this is a proper case where the extraordinary inherent jurisdiction available to this Court under Section 482 can or ought to be invoked. The

petitioner who has participated in the proceedings before the trial court for the past 4 years has no reason at this stage to come before this Court and claim premature termination of the proceedings by invoking the extraordinary inherent jurisdiction. Powers under Section 482 Cr.P.C are to be invoked by this Court sparingly and in exceptional cases only and that too only in aid of justice. In every case, where acquittal or discharge is a possibility, this Court cannot be persuaded to invoke such jurisdiction. This, I am satisfied, is a fit case, where the petitioner must continue to take part in the trial and claim acquittal before the learned Magistrate.

4. This Crl.M.C is, in these circumstances, dismissed with the above observations.

(R.BASANT, JUDGE)

rtr/-